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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 09/974,042 | 10/10/2001 | Graham A. Johnson | BAI525-465/01647 | 7548 |
| 24118 | 7590 | 09/20/2004 | EXAMINER | |
| HEAD, JOHNSON & KACHIGIAN | | | TIEU, BINH KIEN | |
| 228 W 17TH PLACE | | | ART UNIT | |
| TULSA, OK 74119 | | | PAPER NUMBER | |

2643

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,042

Applicant(s)

JOHNSON, GRAHAM A.

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/16/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber et al. (U.S. Pat. #: 6,314,282).

Regarding claim 1, Weber et al. ("Weber") teaches an operating control system for a mobile communications device (i.e., mobile terminals as shown in figures 1, 3 and 5), said system comprising: a device capable of receiving and transmitting data in the form of calls or messages (col.6, lines 21-30) and having means for receiving signal emitted from a location (i.e., a mobile terminal receives mode change information from a special base station such as base station 1 shown in figure 5) when said device is within area throughout which the signal is generated (i.e., areas A and B as shown in figure 5; col.6, lines 30-36); and

Means for processing said signal and altering the operating condition of the device in accordance with the received signal and said signal is emitted from a signal emitter and is effective within a localized, determinable area of said emitter location, thereby providing a localized controlling effect on the operation of the device (col.6, lines 36-45; col.6, line 64 – col.20; and col.8, lines 24-50).

Regarding claim 2, note col.10, lines 3-38.

Regarding claim 3, note col.6, line 64 – col.7, line 11.

Regarding claims 4-5, 8-9, note col.7, lines 12-20 and col.9, lines 28-35.

Regarding claim 10, note col.9, lines 35-57.

Regarding claim 11, note col.1, lines 21-29.

Regarding claims 12-17, note col.10, lines 3-38.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (U.S. Pat. 6,314,282) in view of Well-Known prior art.

Regarding claims 6 and 7, Weber further teaches that the base station can be installed inside of a building, i.e., a hospital (col.9, lines 58-64). It should be noticed that Weber fails to clearly teach short-range signal transmission such as Bluetooth transmission system and generation of a faraday cage. However, Bluetooth transmission technique and faraday cage generator for generating a signal and transmitting up to 100 meters are well-known to those skilled in the art for transmitting predetermined signals in a building such as café shops, shopping malls, etc. for a purpose of locally controlling.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of Bluetooth transmission technique and faraday cage generator for generating a signal and transmitting it in short range in a hospital, etc., as taught by the well-known prior art, into view of Weber in order to control and manage local wireless communications networks.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Although the Sager et al. (US. Pat. #: 5,442,805) and Nakamura (US. Pat. #: 6,085,096) are not applied into this Office Action, they are also called to Applicants attention. They may be used in future Office Action(s). Both these references are also concerned with a system and a method to alter function or functions of mobile communication terminals when they are in restricted areas such as hazard area or the like.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

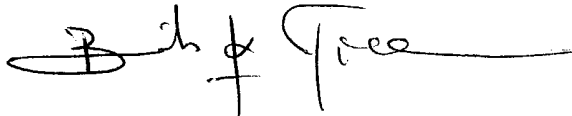
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

A handwritten signature in black ink, appearing to read "Binh Tieu", with a stylized flourish at the end.

BINH TIEU
PRIMARY EXAMINER

Art Unit 2643

Date: September 14, 2004